

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**924 CRIMINAL APPLICATION NO. 2824 OF 2016  
WITH  
APPLN/2877/2016**

**GOKUL S/O BHAUSAHEB BHALSING  
& ANR.**

**VERSUS**

**THE STATE OF MAHARASHTRA  
& ANR.**

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Mr. D.R.Jayabhar, Advocate for Applicants.

Mr. S.D.Ghayal, A.P.P. for Resp. – State.

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**CORAM : A.M.BADAR, J.**

**DATE : 15<sup>th</sup> SEPTEMBER, 2016**

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**PER COURT :**

1. The applicants are accused in Crime No. 391/2015 registered at Kotwali police station, Ahmednagar, Dist. Ahmednagar for the offences punishable u/ss 394,397 of the Indian Penal Code and u/s 4/25 of the Indian Arms Act, by this application are praying for releasing them on bail after filing of the charge sheet. Apart from merits, the applicant Vishwajit s/o Ramesh Kasar in Criminal Application No. 2877 of 2016 is also seeking bail on medical ground.

2. Heard learned counsel for the applicants. By taking me through the F.I.R. as well as the charge sheet, the learned counsel submitted that now the investigation in the crime in question is over. He further argued that the informant is resident of Pune and as such there is no question of tampering the evidence of prosecution witnesses. He further argued that co-accused is already released on bail by this Court.

3. The learned A.P.P. opposed the application by contending that the crime in question is serious. He submitted that there is evidence in the form of recovery. The learned A.P.P. submitted that papers of medical treatment of applicant Vishwajit s/o Ramesh Kasar does not show any significant abnormality. According to the learned A.P.P., applicant Gokul Bhausahab Bhalsing is having criminal antecedents and 2 similar offences are registered against him.

3. Perused the charge sheet. The crime in question is registered at the instance of Satish Madhav Pawar. He reported that on 05/12/2015 at about 10.00 p.m. he was at Kopergaon stand for going to Pune. He took lift in white colour car of Polo make, which was occupied by 3 persons. According to the informant, at Kedgaon road, one of the occupants of the car pointed out sword-stick and he was assaulted by all the occupants of the car. The informant averred that his 2 ATM cards were snatched by the occupants of the car. By taking the password from him, amount of Rs. 86,500/- was withdrawn from his account by the accused

persons. He was then left at Arangaon stand by the accused persons.

4. Perusal of the charge sheet goes to show that the Polo car which was used in the crime in question is owned by the wife of the applicant Vishwajit s/o Ramesh Kasar. During investigation it was seized and its Suprudnama was claimed by the wife of the applicant Vishwajit s/o Ramesh Kasar. It is also seen from the charge sheet that the Investigating Officer has collected CC TV footage and mobile location of accused persons. The evidence of withdrawal of ₹ 86,500/- from the Federal Bank account of the informant is also collected by the prosecution. The part of the robbed amount is recovered from the accused persons and their relatives. The weapon of the offence is also recovered at the instance of the applicant Vishwajit s/o Ramesh Kasar.

5. The applicant Gokul s/o Bhausahab Bhalsing has criminal antecedents. His earlier bail application bearing Criminal Application No. 327 of 2016 was dismissed as withdrawn by this Court on 02/02/2016. As such, there are no reasons to entertain his second application for the same relief.

6. True it is that the co-accused has been released on bail by this Court, but the consideration for that was the finding of this Court that the offence punishable u/s 394 of the Indian Penal Code is not made out *qua* the said accused. So far as the present applicants are concerned, there is evidence

to show that they caused hurt to the informant. The charge sheet contains medical certificate of the informant, which shows that during the course of robbery, the informant had suffered hurt.

7. Considering the evidence available against the present applicants and the nature of the crime, no case for bail is made out. That apart, the papers of medical treatment of the applicant Vishwajit s/o Ramesh Kasar shows that he is properly treated at Govt. hospital and he is not having any significance of abnormality as certified by the Doctor. Hence, the following order.

(i) Both the Criminal Applications stand rejected.

**[A.M.BADAR, J.]**